EX PARTE OR LATE FILES DRYE & WARREN LLP

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May 11, 2000

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VIA HAND DELIVERY

Magalie R. Salas, Secretary Federal Communications Commission 445 12th Street SW Washington, DC 20554

> Re: Notice of Ex Parte Presentation by FairPoint Communications

> > Solutions Corp. In the Matter of Access Charge Reform, CC Docket No.

96-262

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, FairPoint Communications Solutions Corp. ("FairPoint") by its attorneys, submits this notice in the abovecaptioned docketed proceeding of an oral ex parte presentation made and written ex parte materials distributed on May 10, 2000 during a meeting with Deputy Chief Tamara Preiss, Deputy Chief Richard Lerner, and Joi Roberson Nolen of the Common Carrier Bureau. Copies of the written materials distributed at the meeting are hereto attached.

Pursuant to Sections 1.1206(b)(1) and (2), an original and two (2) copies of this ex parte notification (with attachments) are provided for inclusion in the public record of the abovereferenced proceeding. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Michael B. Hazzard

MBH:cmh

Enclosure

DC01/HAZZM/112818.1

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CERTIFICATE OF SERVICE

I, Charles M. Hines III, hereby certify that a true and correct copy of the forgoing Notice of *Ex Parte* Presentation by FairPoint Communications Solutions Corp. was delivered by first class mail or by hand delivery this 11th day of May 2000, to the individuals on the following list:

VIA HAND DELIVERY

Tamara Preiss
Deputy Chief
Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

VIA HAND DELIVERY

Joi Roberson Nolen Competitive Pricing Division Common Carrier Bureau Federal Communications Commission 445 12th Street SW Washington, DC 20554

VIA HAND DELIVERY

Richard Lerner
Deputy Chief
Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

VIA FIRST CLASS MAIL

John LaPenta FairPoint Communications Solutions Corp. 6324 Fairview Road 4th Floor Charlotte, NC 28210

Charles M. Hines III

Presentation to the

John LaPenta

May 10, 20,00

Regulatory Affairs

CC Dagket 96-262

FairPoint Communications

- Serves Rural America
- Serves Small/Medium Sized Businesses
- Average Customer Has Less Than 5 Lines
- Over 70,000 Access Lines
- Facilities-based and UNEP



FairPoint's Price Of A Loop

NY

– \$11.00 Urban Loop Rate

- \$19.24 FairPoint's Loop Rate

PA

- \$10.51 Urban Loop

- \$21.28 FairPoint's Loop Rate

ME

- \$12.67 Urban Loop

- \$23.00 FairPoint's Loop Rate



FairPoint's Price Of A Loop

- (Continued)

• FL

\$10.78Urban Loop Rate

- \$39.66 & \$74.05 FairPoint's Loop Rate

WV

- \$24.09 Urban Loop Rate

- \$69.86 FairPoint's Loop Rate



Access Rates

- Rural LECs Access Rates
 - 1) Township Telephone NY
 - Originating .045830
 - Terminating .049130
 - 2) Marianna Scenery Telephone- PA
 - Originating .050836
 - Terminating .054136
 - 3) Pattersonville Telephone- NY
 - Originating .043327
 - Terminating .046627



Access Rates

- (Continued)
- NECA Access Rates
 - Originating .044
 - Terminating .047
- FairPoint Access Rate
 - .046828



IXC Self-Help Problems

- Incents carriers to use market power to win regulatory concessions
- Usurps authority from regulatory agencies
- Generates uncertainty in capital markets
 - Creates revenue uncertainties
 - Creates regulatory uncertainties



Recommended FCC Actions

- Reaffirm that affirmative consent is unnecessary to create a carrier - customer relationship "when a carrier is interconnected with other carriers in such a manner that it can expected to receive access services." Fifth Report and Order, Paragraph 188
- Set NECA as a presumptive safe harbor rate
- Condemn self-help actions of IXCs the 208 process, not self-help is the appropriate remedy for any complaint - reaffirm "pay and claim" over self-help

